

103^D CONGRESS
2^D SESSION

H. R. 3898

IN THE SENATE OF THE UNITED STATES

AUGUST 2 (legislative day, JULY 20), 1994

Received; read twice and referred to the Committee on Energy and Natural
Resources

A BILL

To establish the New Bedford Whaling National Historical
Park in New Bedford, Massachusetts, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) the New Bedford National Historic Land-
6 mark District and associated historic sites as de-
7 scribed in section 3(b) of this Act, including the
8 Schooner Ernestina, are National Historic Land-
9 marks and are listed on the National Register of
10 Historic Places as historic sites associated with the
11 history of whaling in the United States;

1 (2) the city of New Bedford was the 19th cen-
2 tury capital of the world's whaling industry and re-
3 tains significant architectural features, archival ma-
4 terials, and museum collections illustrative of this
5 period;

6 (3) New Bedford's historic resources provide
7 opportunities for illustrating and interpreting the
8 whaling industry's contribution to the economic, so-
9 cial, and environmental history of the United States
10 and provide opportunities for public use and enjoy-
11 ment; and

12 (4) the National Park System presently con-
13 tains no sites commemorating whaling and its con-
14 tribution to American history.

15 (b) PURPOSES.—The purposes of this Act are—

16 (1) to preserve, protect, and interpret the re-
17 sources within the areas described in section 3(b) of
18 this Act, including architecture, setting, and associ-
19 ated archival and museum collections;

20 (2) to collaborate with the city of New Bedford
21 and with local historical, cultural, and preservation
22 organizations to further the purposes of the park es-
23 tablished under this Act; and

24 (3) to provide opportunities for the inspirational
25 benefit and education of the American people.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) The term “park” means the New Bedford
4 Whaling National Historical Park established by
5 section 3.

6 (2) The term “Secretary” means the Secretary
7 of the Interior.

8 **SEC. 3. NEW BEDFORD WHALING NATIONAL HISTORICAL**
9 **PARK.**

10 (a) ESTABLISHMENT.—In order to preserve for the
11 benefit and inspiration of the people of the United States
12 as a national historical park certain districts, structures,
13 and relics located in New Bedford, Massachusetts, and as-
14 sociated with the history of whaling and related social and
15 economic themes in America, there is established the New
16 Bedford Whaling National Historical Park.

17 (b) BOUNDARIES.—(1) The boundaries of the park
18 shall be those generally depicted on the map numbered
19 NAR-P49-80000-4 and dated June 1994. Such map
20 shall be on file and available for public inspection in the
21 appropriate offices of the National Park Service. The park
22 shall include the following:

23 (A) The area included within the New Bedford
24 National Historic Landmark District, known as the
25 Bedford Landing Waterfront Historic District, as
26 listed within the National Register of Historic Places

1 and in the Massachusetts State Register of Historic
2 Places.

3 (B) The National Historic Landmark Schooner
4 Ernestina, with its home port in New Bedford.

5 (C) The land along the eastern boundary of the
6 New Bedford National Historic Landmark District
7 over to the east side of MacArthur Drive from the
8 Route 6 overpass on the north to an extension of
9 School Street on the south.

10 (D) The land north of Elm Street in New Bed-
11 ford, bounded by Acushnet Avenue on the west,
12 Route 6 (ramps) on the north, MacArthur Drive on
13 the east, and Elm Street on the south.

14 In case of any conflict between the descriptions set forth
15 in subparagraphs (A) through (D) and the map referred
16 to in this subsection, the map shall govern.

17 (2) In addition to the sites, areas and relics referred
18 to in paragraph (1), the Secretary may assist in the inter-
19 pretation and preservation of each of the following:

20 (A) The southwest corner of the State Pier.

21 (B) Waterfront Park, immediately south of land
22 adjacent to the State Pier.

23 (C) The Rotch-Jones-Duff House and Garden
24 Museum, located at 396 County Street.

1 (D) The Wharfinger Building, located on Piers
2 3 and 4.

3 (E) The Bourne Counting House, located on
4 Merrill's Wharf.

5 **SEC. 4. ADMINISTRATION OF PARK.**

6 (a) IN GENERAL.—The park shall be administered by
7 the Secretary in accordance with this Act and the provi-
8 sions of law generally applicable to units of the national
9 park system, including the Act entitled “An Act to estab-
10 lish a National Park Service, and for other purposes”, ap-
11 proved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2,
12 3, and 4) and the Act of August 21, 1935 (49 Stat. 666;
13 16 U.S.C. 461–467).

14 (b) COOPERATIVE AGREEMENTS.—(1) The Secretary
15 may consult and enter into cooperative agreements with
16 interested entities and individuals to provide for the pres-
17 ervation, development, interpretation, and use of the park.

18 (2) Funds authorized to be appropriated to the Sec-
19 retary for the purposes of this subsection shall be ex-
20 pended in the ratio of one dollar of Federal funds for each
21 dollar of funds contributed by non-Federal sources. For
22 the purposes of this subsection, the Secretary is author-
23 ized to accept from non-Federal sources, and to utilize for
24 purposes of this Act, any money so contributed. With the
25 approval of the Secretary, any donation of land, services,

1 or goods from a non-Federal source may be considered
2 as a contribution of funds from a non-Federal source for
3 the purposes of this subsection.

4 (3) Any payment made by the Secretary pursuant to
5 a cooperative agreement under this subsection shall be
6 subject to an agreement that conversion, use, or disposal
7 of the project so assisted for purposes contrary to the pur-
8 poses of this Act, as determined by the Secretary, shall
9 result in a right of the United States to reimbursement
10 of all funds made available to such project or the propor-
11 tion of the increased value of the project attributable to
12 such funds as determined at the time of such conversion,
13 use, or disposal, whichever is greater.

14 (c) LIMITATION ON FUNDS.—Funds authorized to be
15 appropriated to the Secretary for operation and mainte-
16 nance of the schooner Ernestina may not exceed 50 per-
17 cent of the total costs of such operation and maintenance
18 and may not exceed \$300,000 annually.

19 (d) ACQUISITION OF REAL PROPERTY.—The Sec-
20 retary may acquire, for the purposes of the park, by dona-
21 tion, exchange, lease or purchase with donated or appro-
22 priated funds, lands, interests in lands, and improvements
23 thereon within the park except that (1) lands, and inter-
24 ests in lands, within the boundaries of the park which are
25 owned by the State of Massachusetts or any political sub-

1 division thereof, may be acquired only by donation, and
2 (2) lands, and interests in lands, within the boundaries
3 of the park which are not owned by the State of Massachu-
4 setts or any political subdivision thereof may be acquired
5 only with the consent of the owner thereof unless the Sec-
6 retary determines, after written notice to the owner and
7 after opportunity for comment, that the property is being
8 developed, or proposed to be developed, in a manner which
9 is detrimental to the integrity of the park or which is oth-
10 erwise incompatible with the purposes of this Act.

11 (e) OTHER PROPERTY, FUNDS, AND SERVICES.—The
12 Secretary may accept donated funds, property, and serv-
13 ices to carry out this Act.

14 **SEC. 5. GENERAL MANAGEMENT PLAN.**

15 Not later than the end of the second fiscal year begin-
16 ning after the date of enactment of this Act, the Secretary
17 shall submit to the Committee on Natural Resources of
18 the House of Representatives and the Committee on En-
19 ergy and Natural Resources of the Senate a general man-
20 agement plan for the park and shall implement such plan.
21 The plan shall be prepared in accordance with section
22 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b))
23 and other applicable law.

1 SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out this Act, but not more
4 than \$10,400,000 is authorized to be appropriated for
5 construction, acquisition, restoration, and rehabilitation of
6 visitor and interpretative facilities.

Passed the House of Representatives August 1, 1994.

Attest: DONNALD K. ANDERSON,
Clerk.

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AN ACT

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